

**Carl Buddig and Company and Highway Drivers, Dockmen, Spotters, Rampmen, Meat, Packing House and Allied Products, Drivers and Helpers, Office Workers and Miscellaneous Employees, Local Union No. 710, affiliated with International Brotherhood of Teamsters, AFL-CIO, Petitioner.** Case 13-RC-19660

July 15, 1999

**DECISION ON REVIEW, ORDER, AND DIRECTION OF ELECTION**

BY CHAIRMAN TRUESDALE AND MEMBERS FOX  
AND LIEBMAN

On July 25, 1997, the Regional Director for Region 13 issued a Decision and Direction of Election finding appropriate the petitioned-for residual unit of maintenance employees and linemen, excluding sanitation and shipping department employees. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, the Employer filed a timely request for review of the Regional Director's Decision. In its request for review, the Employer asserts that the Regional Director erred in finding that the shipping and sanitation department employees could constitute appropriate units separate from the maintenance employees/linemen unit, and argues that the smallest appropriate unit should include all of the unrepresented employees. The Petitioner filed a timely opposition to the request for review. By Order dated August 19, 1997, the Board granted the Employer's request for review.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this case, including the Petitioner's brief on review, and concludes, contrary to the Regional Director, that the Employer's shipping department employees should be included in the residual unit. The Board affirms the Regional Director with regard to the exclusion of the sanitation employees.

*A. The Employer's Operations*

The Employer produces sliced, vacuum-packaged meats sold at retail grocery chains. The Employer's operations include production facilities in South Holland and Chicago, Illinois. Local 546, United Food and Commercial Workers Union has represented the approximately 350 production employees for the past 40 years. In addition to the employees represented by Local 546, the Employer employs 95 other employees, including 50 linemen, 20 shipping employees, 20 sanitation, and 5 maintenance employees.<sup>1</sup>

The Employer's operations are highly integrated, with one segment of production leading directly into the next.

<sup>1</sup> The shipping department also employs a number of temporary employees, whom neither party sought to include in the unit.

Because the Employer does not maintain a large inventory, the product is processed, packaged, and shipped within a very short period of time. As a result, the Employer's operations rely heavily upon each of its components' (processing, packaging, and shipping) smooth functioning.<sup>2</sup> Production employees at the Chicago facility perform the initial processing of beef, ham, and poultry products, including defatting, desinewing, deboning, and grinding. The product is then trucked to the South Holland facility for further processing and packaging. At South Holland, production workers cook, smoke, and chill the product. The product is then sent to the packaging area where production workers slice and package the product. Linemen in the packaging area maintain the packaging machines run by the production employees and place the boxed product in the coolers. From there, shipping employees process customer orders and transfer the product from the coolers to the trucks for shipping.

*B. Linemen and Maintenance Employees*

The linemen spend 85–95 percent of their time on the production floor monitoring and maintaining the packaging machines. Linemen prepare the machines, load film,<sup>3</sup> enter the code dates, and make minor mechanical adjustments to the packaging machines. In replacing or replenishing film rolls, which occurs five to six times per day, linemen follow the work order sheet composed by Shipping Supervisor Gaylord Meyers or his assistant. Meyers or his assistant takes the customer orders, sets the shipping schedule, and fills out the work order sheets that he posts on a bulletin board located between the machine and maintenance shops. Once the product is packaged, two linemen move it into the adjacent coolers using pallet loaders. Linemen or shipping employees occasionally move the packaged product directly from the packaging area onto the trucks.

Linemen work on the first and second shifts, and are supervised by the Packaging Supervisors Wally Jukovich and Walter Mazur. They are salaried and receive between \$7.75 and \$16.43 per hour. The Employer does not seek any particular skill as a prerequisite to hiring linemen, and their training is limited to approximately 1 week's on-the-job training by a senior employee.

Maintenance employees work during the first and second shifts primarily in the processing department with two maintenance employees assigned to service and repair the packaging equipment. Maintenance employees also service the forklifts and loaders in the shipping de-

<sup>2</sup> For example, the Employer's president and plant manager, William Buddig, testified that if linemen were not performing their jobs, the product would not get packaged and the processing department would not be able to move the product out of its section, essentially rendering it unable to function.

<sup>3</sup> "Film" is plastic product packaging for the Employer's product. It comes in large rolls that the machines then fill, date, cut to size, and seal.

partment. Their salaries range from \$9.50 to \$19.52 per hour and they are supervised by Ted Wojas.

#### C. Shipping Employees

Shipping employees move the packaged product from the coolers to the docks, using pallet movers and forklifts. Two shipping employees are assigned the task of supplying the film to the packaging area, which requires them to come onto the packaging room floor several times a day. Shipping employees may on occasion retrieve product from the production department. They work on the first and second shifts, and are supervised by Gaylord Meyers, shipping supervisor. They have their own locker room, receive the same benefits as other unrepresented employees, and are paid between \$8 to \$18.58 per hour.

#### D. Sanitation Employees

Sanitation employees work only on the night shift, starting work either at 9 or 11:30 p.m., after the production employees have left the area, and ending at 6 a.m., before the linemen, maintenance, production, or shipping employees arrive. Sanitation employees are not permitted into the production area until all of the other employees have left. Their primary duties include cleaning and sanitizing the packaging lines and packaging room using high pressure hot water hoses, and performing janitorial duties such as cleaning the lunchrooms, hallways, locker rooms, restrooms, and floors, and emptying trash cans. They are supervised by Joe Kacprzak.<sup>4</sup> Sanitation employees' wages range from \$8 to \$12.23 per hour.

#### E. Analysis

Where a portion of a workforce is already represented, the Board evaluates petitions to represent remaining employees first to determine whether the petitioned-for employees share a separate and distinct community of interest apart from the represented unit employees. If the community of interest of the petitioned-for employees is not separate and distinct such that they could not constitute an appropriate separate unit, the Board then determines whether they constitute an appropriate residual unit. A residual unit is appropriate if it includes "all unrepresented employees of the type covered by the petition." *Fleming Foods*, 313 NLRB 948, 949 (1994). See also *American Radiator & Standard Sanitary Corp.*, 114 NLRB 1151, 1154-1155 (1955).

In the instant case, we agree with the Regional Director that the petitioned-for linemen and maintenance unit is a residual unit because the employees share a close community of interest with the production employees

represented by Local 546 and do not constitute an appropriate unit separate from the production employees. The linemen work side-by-side with the production employees, monitor the packaging machines run by the production employees, supply film, and take the packaged product from the machines. Similarly, maintenance employees have a high degree of contact with production employees and linemen and maintain the machines used by the production employees.

Contrary to the Regional Director, however, we find that the linemen and maintenance employees are not the only unrepresented employees of the type covered by the petition and that the appropriate residual unit must also include the shipping employees. The shipping supervisor, Meyers, sets the packaging and shipping schedules followed by the linemen and shipping employees. The linemen and shipping employees work in tandem to package, box, and ship the customer orders as quickly as possible. Shipping employees come in contact with linemen when stocking film in the packaging room; likewise, linemen come in contact with shipping employees when moving the product from the packaging room to the coolers. Shipping employees may also have contact with maintenance employees, who service and repair their loaders. Shipping employees and linemen work shifts similar to those of production and packaging employees, are paid comparable wages, and operate loaders and power lifters on a daily basis.<sup>5</sup>

We agree with the Regional Director that sanitation employees are a sufficiently distinct and homogenous group that could, if sought, constitute a separate appropriate unit. Therefore, they need not be placed in the residual unit. In contrast to the shipping employees, sanitation employees rarely come into contact with production employees, linemen, or maintenance employees. Sanitation employees perform distinct duties, using different skills from those of all other employees. Sanitation employees also work different hours, earn lower wages, and are separately supervised. They do not operate or maintain the production equipment and are the only employees operating sanitation equipment, such as high pressure hoses or performing janitorial duties.

In sum, we find that a residual unit composed solely of maintenance employees and linemen is too narrow and must also include the shipping employees to be appropriate. *Fleming Foods*, 313 NLRB at 950. Accordingly, and inasmuch as the Petitioner expressed a willingness to proceed to an election in any unit found appropriate, we shall amend the voting unit designated by the Regional Director to consist of the following employees:<sup>6</sup>

<sup>4</sup> The Petitioner contends that Kacprzak also supervises packaging employees. Although the Employer's organizational chart indicates that Kacprzak is part of the packaging department, there is no evidence or indication that he supervises any other employees. We note that sanitation employees are the only employees on duty during the night shift.

<sup>5</sup> See, e.g., *Texas Color Printers, Inc.*, 210 NLRB 30 (1974).

<sup>6</sup> Because the inclusion of the shipping employees changes the composition of the unit specifically sought, the Petitioner may have an inadequate showing of interest. In these circumstances, we direct the Petitioner to submit to the Regional Director within 30 days of this

All full-time and regular part-time linemen, shipping, and maintenance employees employed by the Employer at its facility currently located at 50 W. Taft, South Holland, Illinois, and 16615 S. Vincennes Avenue, South Holland; but excluding all other employees,

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Decision any additional showing of interest that may be required to support its petition.

including production and sanitation employees, office clericals, guards and supervisors as defined in the Act.

ORDER

The Regional Director's Decision is affirmed in part and reversed in part, and his Direction of Election is vacated.

[Direction of Election omitted from publication.]